

FILED - SOUTHERN DIVISION  
CLERK, U.S. DISTRICT COURT

OCT 11 2012

CENTRAL DISTRICT OF CALIFORNIA  
BY [initials] DEPUTY

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, } Case No.: SA 12-487M  
12 Plaintiff, } ORDER OF DETENTION  
13 vs. }  
14 FAUSTO SANTOYO GAMA, }  
15 Defendant. }

I.

- A. ( ) On motion of the Government in a case allegedly involving:

  1. ( ) a crime of violence.
  2. ( ) an offense with maximum sentence of life imprisonment or death.
  3. ( ) a narcotics or controlled substance offense with maximum sentence of ten or more years.
  4. ( ) any felony - where defendant convicted of two or more prior offenses described above.
  5. ( ) any felony that is not otherwise a crime of violence that involves a minor victim, or possession or use of a firearm or destructive device or any other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

- 1  
2 B. ( X ) On motion by the Government/( ) on Court's own motion, in a case  
3 allegedly involving:  
4 ( X ) On the further allegation by the Government of:  
5 1. (X ) a serious risk that the defendant will flee.  
6 2. ( ) a serious risk that the defendant will:  
7 a. ( ) obstruct or attempt to obstruct justice.  
8 b. ( ) threaten, injure or intimidate a prospective witness or  
9 juror, or attempt to do so.  
10 C. The Government ( ) is/(X ) is not entitled to a rebuttable presumption that no  
11 condition or combination of conditions will reasonably assure the defendant's  
12 appearance as required and the safety of any person or the community.

13  
14 II.

- 15 A. ( X ) The Court finds that no condition or combination of conditions will  
16 reasonably assure:  
17 1. ( X) the appearance of the defendant as required.  
18 ( ) and/or  
19 2. ( ) the safety of any person or the community.  
20 B. ( ) The Court finds that the defendant has not rebutted by sufficient evidence to  
21 the contrary the presumption provided by statute.

22  
23 III.

- 24 The Court has considered:  
25 A. (X) the nature and circumstances of the offense(s) charged, including whether  
26 the offense is a crime of violence, a Federal crime of terrorism, or involves  
27 a minor victim or a controlled substance, firearm, explosive, or destructive  
28 device;

- 1      B.     the weight of evidence against the defendant;  
2      C.     the history and characteristics of the defendant; and  
3      D.     the nature and seriousness of the danger to any person or the community.

4

5                          **IV.**

6      The Court also has considered all the evidence adduced at the hearing and the  
7      arguments and/or statements of counsel, and the Pretrial Services  
8      Report/recommendation.

9

10                         **V.**

11      The Court bases the foregoing finding(s) on the following:

- 12     A.     As to flight risk:

13                         Background and bail resources unknown; undocumented alien status; use of AKA.

- 14
- 15     B.     As to danger:

16                         \_\_\_\_\_  
17                         \_\_\_\_\_  
18                         \_\_\_\_\_  
19                         \_\_\_\_\_  
20                         \_\_\_\_\_  
21                         \_\_\_\_\_  
22                         \_\_\_\_\_  
23

1 VI.

- 2 A. ( ) The Court finds that a serious risk exists the defendant will:
- 3       1. ( ) obstruct or attempt to obstruct justice.
- 4       2. ( ) attempt to/ ( ) threaten, injure or intimidate a witness or juror.
- 5 B. The Court bases the foregoing finding(s) on the following:

6 \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 \_\_\_\_\_

10 VII.

- 11 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
- 12 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the  
13 Attorney General for confinement in a corrections facility separate, to the extent  
14 practicable, from persons awaiting or serving sentences or being held in custody  
15 pending appeal.
- 16 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity  
17 for private consultation with counsel.
- 18 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on  
19 request of any attorney for the Government, the person in charge of the corrections  
20 facility in which defendant is confined deliver the defendant to a United States  
21 marshal for the purpose of an appearance in connection with a court proceeding.

22  
23 DATED: 10/11/12

  
24 JEAN ROSENBLUTH  
25 U.S. MAGISTRATE JUDGE